



Lowell City Council

Regular Meeting Minutes

Michael Q. Geary
City Clerk

Date: May 11, 2021

Time: 6:30 PM

Location: City Council Chamber, Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May Not Participate In-Person And May View The Meeting Via LTC.ORG (On-Line; Live Streaming Or Local Cable Channel 99) And Zoom

1. ROLL CALL

Roll Call showed 8 present, 1 absent (M. Leahy).

Vice Chair Mercier presiding.

C. Samaras requested moment of silence in darkened chamber for George Karafilidis.
C. Mercier requested moment of silence in darkened chamber for Genevieve Caulfield Otte.

2. MAYOR'S BUSINESS

2.1. Communication Remote / Zoom Participation:

Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99) As They May Not Participate In-Person. Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting.

For Zoom - [HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Conway, seconded by C. Nuon. So voted.



2.2. Recognition - Month Of May As The Asian And Pacific Islander Month.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Chau. So voted.

3. CITY CLERK

3.1. Minutes Of Neighborhoods SC April 27th; City Council Regular Meeting April 27th, For Acceptance.

In City Council, minutes read, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Rourke. So voted.

4. UNFINISHED BUSINESS

4.1. Order - Abandon Portion Of Canal St.

In City Council, Hearing held on April 27, 2021, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Elliott. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

5. UTILITY PUBLIC HEARING

5.1. National Grid - Request Installation Of 975 Feet Of 12 Inch Plastic Gas Main Along Jackson, Marston, Middlesex, South And Summer Streets.

In City Council, Given 2nd Reading. Hearing held. Diana Cuddy (National Grid) spoke in favor of the petition. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Samaras. So voted.

6. COMMUNICATIONS FROM CITY MANAGER

6.1. Motion Responses.

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Rourke. So voted.

A) Motion Response - MVP Action Grant Update – Motion to take Items #7.5 and #7.6 out of order by C. Samaras, seconded by C. Rourke. So voted. C. Drinkwater noted the effort of the part of the DPD in applying for the next round of grants.

B) Motion Response - Parking Kiosk Maintenance – C. Samaras noted the report and that there is a need for proper working kiosks in the City. C. Samaras noted the need to reconfigure parking schemes in the City and also to explore replacement of outdated machinery. Manager Donoghue commented on the oversight by the department regarding kiosks and that there are always going to be some that will not be fully operational. Manager Donoghue noted the availability of parking app on phone which is helpful in identifying spaces. C. Elliott noted the kiosks need to be in good repair for the sake of businesses and for revenue to the City. C. Elliott commented on



possible use of tiered parking for the City. C. Nuon noted plan in place moving forward.

C) Motion Response - Illegal Housing Complaints – C. Conway noted the report and requested Eric Slagle (Inspectional Services) review same. Mr. Slagle commented on the report noting fines being levied as well as the acceptance of Massachusetts General Law which established a hearing officer for the City regarding complaints. Mr. Slagle that delays are sometimes caused by process in the courts. C. Elliott noted that the number of complaints issued seems extremely low and that they should look to improve that number. **Motion** by C. Elliott, seconded by C. Conway to refer matter to joint Housing/Zoning SC. So voted.

D) Motion Response - Rental Permits – Motion by C. Elliott, seconded by C. Samaras to refer matter to joint Housing/Zoning SC. So voted. C. Elliott noted that there was a failure with the ordinance as the numbers are low and moving forward there needs to be better performance. C. Elliott noted concern with lack of inspection as it has a negative effect on the housing stock in the City. C. Rourke commented on low numbers and noted during pandemic but the numbers should be analyzed to improve them. Manager Donoghue noted they would provide statistical breakdown to analyze. C. Drinkwater agreed that both subcommittees should review the matter.

E) Motion Response - 39 Jewett Street – C. Elliott noted it was a resident concern and that matter is in litigation. Manager Donoghue commented on the next steps in the procedure at the Land Court and the closing of the tax title. Manager Donoghue noted that property presents a safety issue. C. Mercier recognized letter provided to Court by Law Department.

F) Motion Response - MassDOT and Lowell Connector – C. Samaras noted there should be ways to speed up the process. Manager Donoghue noted that there is requirement of having 25% design finished to move forward which will hasten the speed of the project. C. Chau commented on the process noting 25% design will speed up process and allow for public input sooner. C. Chau noted remedial measures should be explored in the interim. Manager Donoghue noted that DPD and MassDOT are working towards those measures. Craig Thomas (DPD) noted project was funded and was not sure regarding time frame and commented on possible interim remedial measures. C. Elliott noted the need and the many attempts to secure remedial measures. C. Mercier noted rumble strips may be an available option.

G) Motion Response - Trees at Armory Park – C. Chau commented on the program run by Mass. DCR regarding supplying trees for gateway cities. C. Nuon requested time frame for completion of work. Manager Donoghue noted it would begin this growing season. Mr. Thomas commented on the upcoming project.

H) Motion Response - Senior Property Tax Exemption – C. Elliott noted the Home Rule process that would be needed and that best result would be to increase the exemption. C. Chau noted the age should be lowered as well. **Motion** by C. Elliott, seconded by C. Nuon to increase exemption to \$1,000 and lower age to 65 by acceptance of MGL Ch. 41(C). So voted.



I) Motion Response - Gunfire Directed at Dwellings Legislation – C. Chau noted support of bill which would enable the LPD additional resources. Manager Donoghue noted the importance for local communities to be heard at State level.

J) Motion Response - Hannaford Pharmacy Letter – C. Mercier noted importance to have pharmacy in the area. Manager Donoghue noted that they had heard from company and was told it was a corporate decision to repurpose that area in the store. C. Conway noted that decision and was informed of other locations which have the pharmacy.

6.2. Informational Reports

K) Informational - Boathouse Proposal – Manager Donoghue noted upgrade plan and work with a private group so that programs can grow. C. Elliott lauded the plan noting recreational use in that area. Manager Donoghue noted increased use of the river. **Motion** by C. Elliott, seconded by C. Rourke to refer matter to Economic/Downtown Development SC. So voted. C. Samaras noted attractiveness of the plan. Registered speakers, Mark Romanowsky and Sarah Kuhn, addressed the body.

6.3. Communication-Appoint Judith Huber And Molyka Tieng To Council On Aging.

In City Council, Read, **Motion** to adopt by C. Elliott, seconded by C. Samaras. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Leahy). So voted.

6.4. Communication-Appoint Susie S. Chhoun To LTC As Council Appointee 2021.

In City Council, Read, **Motion** to adopt by C. Nuon, seconded by C. Elliott. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Leahy). So voted.

6.5. Communication - City Manager Request Out Of State Travel (5) LPD.

In City Council, Read, **Motion** to adopt by C. Nuon, seconded by C. Samaras. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Leahy). So voted.

7. VOTES FROM THE CITY MANAGER

7.1. Vote - Approve Amended TIF Agreement Legacy Hotel LLC.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Conway, seconded by C. Chau. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted. Registered speaker, Ted Panos, responded to questions from the body. C. Elliott noted it was an exciting project. Christine McCall (DPD) commented on the slight changes in the development. Manager Donoghue noted that there were rooms being added and that there would be less conference space. C. Nuon noted hotel is needed in City and the support should continue for the project. C. Rourke noted



revisions were positive for the project. C. Samaras noted importance to keep moving forward on the project. C. Mercier noted the number of jobs new development will create.

Motion by C. Rourke, seconded by C. Conway to bundle and waive second reading of Items #7.2 - #7.4, inclusive along with Items #7.7 and #7.8. So voted.

7.2. Vote-Accept And Expend 50,000 FY21 Earmarked Funds Veterans Plaza.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

7.3. Vote-Accept And Expend 75,000 FY21 Earmarked Funds For Parks.Playgrounds In Highlands.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

7.4. Vote-Accept And Expend FY21 Grant From Regional Pilot Project.

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

7.5. Vote-Adopt The Hazard Mitigation Plan 2020

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Chau. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

7.6. Vote-Apply Accept Expend Municipal Vulnerability Grant 108,750

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Chau. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.

7.7. Vote-Transfer 175,000 Certified 7.1.20 Parking Fund

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted.



7.8. Vote-Transfer 7.1.20 Free Cash To Various Accts 3,656,221.53

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Conway. Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted. C. Elliott commented on the amount of savings during this time and noted the proper fiscal management in the City. Conor Baldwin (CFO) commented on the free cash transfer noting they were replenishing and adding into important reserve accounts. Manager Donoghue noted part of transfer to be used for cleaning of parks which have faced challenges with waste disposal. Christine Clancy (DPW) provide presentation entitled "Downtown and Park Barrel Program Update" outlining reasons to purchase new garbage truck to improve the program. C. Rourke noted it made more sense to move operation in-house. C. Elliott noted that City should purchase truck and support the recommendation of the Manager. C. Nuon noted in-house would expand services by the City. C. Rourke questioned where trash would be sent after collection.

Motion by C. Chau, seconded by C. Mercier to take Item #12.11 out of order. So voted.

8. ORDERS FROM THE CITY MANAGER

8.1. Order-60 Day Trial (Various)

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Chau, seconded by C. Samaras. Adopted per Roll Call vote 7 yeas, 2 absent (C. Conway, M. Leahy). So voted.

9. ORDINANCES FROM THE CITY MANAGER

9.1. Ordinance-Create New Ch. 222-1 Entitled Murals

In City Council, Given 1st Reading, **Motion** to refer to public hearing on May 25, 2021 at 7PM by C. Drinkwater, seconded by C. Rourke. So voted.

10. REPORTS (SUB/COMMITTEE, IF ANY)

10.1. Wire Insp. - National Grid - Request Reconstruction Of Gas Pressure Regulator Station And Add A SCADA System At The Intersection Of Highland Street And Thorndike Street.

In City Council, **Motion** to adopt and accept accompanying order by C. Samaras, seconded by C. Nuon. So voted.

11. PETITIONS

11.1. Claims - (2) Property Damage.

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Drinkwater, seconded by C. Nuon. So voted.

11.2. Misc. - Mary Jo El Kareh Request Installation Of A Plaque On The Corner Of Hanover And Merrimack Streets In Memory Of Her Parents, Joseph And Mary El Kareh.



In City Council, **Motion** to refer to Law Department for report and recommendation by C. Rourke, seconded by C. Elliott. So voted.

11.3. Misc. - Dean Sarris Request Installation Of Handicap Parking Sign In Front Of 48 Mammoth Road.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Elliott, seconded by C. Samaras. So voted.

11.4. Misc. - Chanveasna Pech Request Installation Of A Handicap Parking Sign In Front Of 7 Sheldon Street.

In City Council, **Motion** to refer to Transportation Engineer for report and recommendation by C. Nuon, seconded by C. Chau. So voted. C. Chau commented on the petition noting circumstances for the request.

11.5. National Grid/Verizon NE - Request Relocation Of (1) JO Pole At 61-69 Rock Street.

In City Council, Given 1st Reading, **Motion** to refer to public hearing on May 25, 2021 at 7PM by C. Drinkwater, seconded by C. Rourke. So voted.

12. CITY COUNCIL - MOTIONS

12.1. C. Mercier - Req. City Mgr. Pay Close Attention To The Information Pertaining To A Bidder On The Lowell High School Project.

In City Council, seconded by C. Conway, referred to City Manager. So voted. C. Mercier released Chair to C. Elliott at 8:15 PM. C. Mercier commented on the issue and that there are a lot of bids surrounding project and that they should be vetted fully. C. Drinkwater noted bidders must be accurate and honest with their information and if not there should be consequences. Manager Donoghue noted it was a complete and transparent process.

12.2. C. Mercier - Req. City Mgr. Allow The John "Scott" Keenan Square Sign Be Moved From The Corner Of Stevens And Chelmsford Streets To The Corner Of Stevens And Viola Streets.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier noted it was a veteran sign looking to be relocated. C. Elliott returned Chair to C. Mercier at 8:26 PM.

12.3. C. Elliott/C. Nuon/C. Chau - Req. City Mgr. Spearhead A Working Group Of The Appropriate Individuals, Including Members Of The Police And School Department, To Initiate Action With Regard To The Recent Mass. Dept. Of Children And Families Report On Suspected Child Abuse In Lowell.



In City Council, no second needed, referred to City Manager. So voted. C. Elliott commented on the disturbing report and the need to improve operation so that the most vulnerable in the community are protected. C. Elliott noted there should be oversight and increased efforts to include partners in the endeavor. Registered speaker, Catherine Sinnott, addressed the Council. C. Noun commented on the process and that all resources should be made available to assist with that process. C. Chau noted the staggering numbers of abuse and complaints and there is a need to know what lies behind the numbers. C. Conway noted that numbers increased during the pandemic so there is need to further develop the process which can be done by increased partnerships focusing on the challenges. C. Rourke noted the group would have purpose to find solutions. C. Samaras noted the need to involve school personnel. C. Nuon noted need to study reasons for so many complaints. C. Elliott noted the need for intervention, awareness and public outreach.

12.4. C. Conway - Req. City Mgr. And Her Team Develop A Program And Strategies That Will Help Identify And Mitigate Scams/Frauds That Affect Our Citizens, Especially Our Seniors; Further Engage The Appropriate Organizations, Partnerships And Departments Who Will Assist With This Plan Of Action; Including, But Not Limited To, Police Department, Senior Center, District Attorney's Office, Health Department, Chamber Of Commerce, Banking Businesses, Law Department And Others.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Conway noted that scams are prevalent in the community and there is a need to educate people regarding various frauds present out there. C. Mercier commented on scams and the attack on the elderly noting there must be awareness at all times.

12.5. C. Nuon - Req. City Mgr. Have Proper Department Install 4-Way Stop Signs At The Intersection Of Rockingham Avenue And Westmoreland Street And At The Intersection Of Mariposa Avenue And Westmoreland Street.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Nuon noted the need for signs as there is a park nearby with many children in the area.

12.6. C. Drinkwater/C. Nuon - Req. City Mgr. Work With The Lowell Fire Department To Provide A Report On The Condition Of Fire Stations In The City; Including Priority Repairs For Each Station And An Update On Repairs Made Since The Last Report Provided To The Council.

In City Council, no second needed, referred to City Manager. So voted. C. Drinkwater commented on need to identify repairs and capital investments. C. Drinkwater noted that lists should be updated from last round of inspections. C. Nuon noted the need for buildings to be safe and functional. C. Rourke noted some repairs could be done in-house by balancing time and resources as was done in schools. C. Samaras noted facilities are in need of updates.



12.7. C. Drinkwater - Req. City Mgr. Investigate Ways To Calm Vehicle Speed And Improve Pedestrian Safety At Crosswalks On West Sixth Street At Eagle Park.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Mona Tyree, addressed the body. C. Drinkwater noted speaker described the area and the need accurately. C. Elliott noted the need for speed bumps and should move forward with proposed pilot programs. Manager Donoghue noted that City is still looking to fill Traffic Engineer position to address increasing issues.

12.8. C. Samaras - Req. City Mgr. Have Appropriate Department Conduct A Traffic Study On Route 38 And Andover Street, Including A Study Of The Streets Used As Cut Throughs Ie.; Douglas Road, Clark Road And Wentworth Avenue.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras requested to include Fairmount Street at the request of the Mayor. C. Samaras noted increased traffic all over the area and study would assist in providing traffic calming measures. C. Conway noted it was an age old problem along that corridor and stressed the need to involve a traffic engineer.

12.9. C. Rourke - Req. City Mgr. Have DPW Conduct A Condition Inspection And Report Prepared For All Culverts Supporting Marbles Brook From Campbell Field To Merrimack River; Including Clay Pit.

In City Council, seconded by C. Elliott, referred to City Manager. So voted. C. Rourke noted need for site assessment and clearing plan management.

12.10. C. Chau - Req. City Mgr. Have Law Department Draft A Resolution Recognizing Asian And Pacific Islander Month (May); And Also Acknowledging The Strong Role Of Our Asian First Responders Within The City During The Covid Pandemic.

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Chau commented on efforts of first responders during pandemic. C. Nuon noted month of May as dedicated to the culture and awareness in the community.

12.11. C. Chau/M. Leahy - Req. City Mgr. Provide A Report To The Council Regarding The Process And Costs For Trash Cleaning And Waste Barrel Disposal At The Public Parks And Public Recreation Areas Within The City.

In City Council, no second needed, referred to City Manager. So voted. C. Chau noted prior comments on trash collection in the parks and current concerns. C. Conway commented on need for concrete plan to combat issues. C. Drinkwater noted the need for short term management while purchase of truck is being processed.



12.12. M. Leahy - Req. City Mgr. Have DPW Ensure All Fire Houses Have Adequate Hot Water To Run Extractor Washers.

In City Council, seconded by C. Chau, referred to City Manager. So voted. C. Chau noted machines need to work correctly. Manager Donoghue noted that new water heaters would be installed for more effective operation.

12.13. M. Leahy - Req. City Mgr. Explore Feasibility Of Placing Cameras On Top Of City Hall For Public/Private Enterprise.

In City Council, seconded by C. Rourke, referred to City Manager. So voted. Registered speaker, Shawn Kelley, addressed the body. C. Mercier noted that City Hall was an historic building.

13. CITY COUNCIL - EXECUTIVE SESSION

13.1. Executive Session - Regarding Matter Of Litigation, Namely Huot Et Al V. City Of Lowell, Public Discussion Of Which Could Have A Detrimental Effect On The City's Position.

In City Council, Vice Chair Mercier stated reason for Executive Session, **Motion** by C. Conway, seconded by C. Rourke to enter Executive Session for stated purpose and adjourn from Executive Session (9:35 PM). Adopted per Roll Call vote 8 yeas, 1 absent (M. Leahy). So voted. Vice Chair Mercier stated that body would adjourn from the Executive Session.

14. ANNOUNCEMENTS

In City Council, Manager Donoghue noted continued program of free Covid testing in the City. C. Mercier noted fundraiser by Four Sisters Owl Diner.

15. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Drinwater, seconded by C. Chauin Executive Session. So voted.

Meeting adjourned at 9:50 PM in Executive Session.

Michael Q. Geary, City Clerk